

STATE PERSONNEL BOARD CALENDAR



APRIL 3, 2007

SACRAMENTO

State of California

Memorandum

DATE: March 23, 2007

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **April 3, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on April 3, 2007, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the April 3, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

FULL BOARD MEETING – APRIL 3, 2007

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

APRIL 3, 2007
9:00 a.m. – 5:00 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:45 a.m.)

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
3. **REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)
– DPA Representatives**
4. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
5. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

6. **REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

³ The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

(9:45 a.m. – 10:15 a.m.)

7. HEARING

**PUBLIC HEARING ON PROPOSED PERSONAL SERVICES COST SAVINGS
CONTRACT REGULATIONS UNDER GOVERNMENT CODE SECTION 19130,
SUBDIVISION (A).**

- Bruce Monfross, State Personnel Board

(10:15 a.m. – 10:45 a.m.)

8. ORAL ARGUMENT

In the matter of **CASE NO. 06-0188A**. Appeal from dismissal
Physician & Surgeon, CF. Department of Corrections and Rehabilitation.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:45 a.m. – 11:00 a.m.)

**9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(11:00 a.m. – 11:30 a.m.)

10. ORAL ARGUMENT

In the matter of **CASE NO. 05-0927BA**. Appeal for back salary determination.
Correctional Sergeant. Department of Corrections and Rehabilitation.

(11:30 a.m. – 12:00 p.m.)

11. ORAL ARGUMENT

In the matter of **CASE NO. 05-4416PA**. Petition for rehearing granted November 14, 2006. Medical Technical Assistant (Correctional Facility). Department of Corrections and Rehabilitation.

(12:00 p.m. – 1:00 p.m.)

LUNCH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(1:00 p.m. – 1:15 p.m.)

12. STATE PERSONNEL BOARD INTERPRETER PROGRAM

State Personnel Board staff will present the findings of a recently conducted study by Highlands Consulting on the SPB's Interpreter Program. The presentation will include background information on the program and the report's recommendations regarding the future of the program.

- **April Partington, Staff Services Analyst, State Personnel Board**
- **Eric Norton, Consultant, Highlands Consulting**

(1:15 p.m. – 2:15 p.m.)

13. INFORMATIONAL HEARING – California State Personnel Board Staff

The State Personnel Board staff proposes the establishment of a new classification titled Governmental Program Analyst to facilitate the recruitment and provide an avenue for college graduates to enter into state government. This informational hearing will provide information to the State Personnel Board and provide an opportunity for questions, comments and discussion in order to reflect as broad a spectrum of considerations of the proposal as possible.

(2:15 p.m. – 2:30 p.m.)

BREAK

(2:30 p.m. – 2:45 p.m.)

14. NEW EMPLOYEE ORIENTATION – State Personnel Board Staff

The State Personnel Board's new employees will be introduced.

(2:45 p.m. – 3:00 p.m.)

15. SELECTION ANALYST CERTIFICATE PRESENTATION

Patricia Echard
Betsy (Jordan) Edholm
Renee Evans
Sanvador Gayle
Robin Henry
Vicki Kepner

Michelle Loo
Kirsten Malme
Maria Pires-Molina
Rachel Pollock
Terri Trim

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(3:00 p.m. – 4:30 p.m.)

16. EMPLOYEE PERSONNEL MATTER, APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Discussion of personnel matters relating to transition period pending start date of new Executive Officer. [Government Code section 11126(a)(1); Government Code section 11125.3(a)(2).]

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

17. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

18. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 THE

19. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

20. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(4:30 p.m. – 5:00 p.m.)

**21. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
APRIL 17, 2007, IN SACRAMENTO, CALIFORNIA**

BOARD ACTIONS:

**22. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
MARCH 1-2, 2007**

23. EVIDENTIARY CASES - (See Case Listings on Pages 12–19)

**24. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Agenda on Pages 25–26)**

25. NON-EVIDENTIARY CASES - (See Case Listings on Pages 19–21)

26. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

27. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

28. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF INFORMATION OFFICER (CIO)

The Department of Financial Institutions proposes to allocate the above position to the CEA category. The Chief Information Officer will be responsible for establishing department wide policies regarding information systems, information technology and strategic planning.

The California Department of Health Services on behalf of the Department of Public Health (CDPH) proposes to allocate the following seven positions to the CEA category. Senate Bill (SB) 162 establishes the California Department of Public Health (CDHP) effective July 1, 2007.

DEPUTY DIRECTOR, ADMINISTRATION DIVISION

The Deputy Director plans, organizes, and directs three major administrative support functions including: financial management, human resources, and business services and is a key member of the Executive Management Team, who effectively recommends and implements major policies and decisions for effective and efficient departmental operation.

CHIEF, HUMAN RESOURCES BRANCH

The Chief of the Human Resources Branch is responsible for policy development and planning, organizing, and directing staff in the performance of the full range of human resources services which include, but are not limited to: labor relations, workers' compensation, payroll, benefits, employment examinations, department-wide training, recruitment, succession planning, and management analysis and advice on employee discipline and classification and organizational issues.

CHIEF, PROGRAM SUPPORT BRANCH

The Chief of the Program Support Branch is responsible for policy development and planning, organizing, and directing staff in the performance of the full range of program support services which include, but are not limited to: capital outlay budgeting, facilities planning and management/operations, telecommunications, contracts and procurement, health and safety, records, and mail processing.

CHIEF, FINANCIAL MANAGEMENT BRANCH

The Chief of the Financial Management Branch is responsible for policy development and planning, organizing, and directing staff in the performance of the full range of financial services including but not limited to: development and maintenance of the CDPH budget of over \$3 billion, accounting, financial audits, and fiscal policy review and advice.

CHIEF, OFFICE OF CIVIL RIGHTS

The Chief of the Office of Civil Rights is responsible for policy development and planning, organizing, and directing staff in the performance of civil rights activities including, but are not limited to: equal employment practices and reasonable accommodation program and equal access to health services for beneficiaries.

April 3, 2007

DEPUTY DIRECTOR, INFORMATION TECHNOLOGY SERVICES DIVISION

The Deputy Director performs as the Chief Information Officer for CDPH and, is responsible for policy development and planning, organizing, and directing staff in the performance of information technology projects and activities.

CHIEF, APPLICATION SUPPORT BRANCH

The Chief of the Application Support Branch is responsible for policy development and planning, organizing and directing staff in the performance of specialized departmental Information Technology applications/systems.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

DEPUTY DIRECTOR, REAL ESTATE SERVICES DIVISION

The Department of General Services has withdrawn their proposal to allocate the above position to the CEA category effective March 5, 2007.

DIRECTOR, FACILITIES MANAGEMENT, PLANNING AND SERVICES

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

DIRECTOR, DISABILITY AND SURVIVOR BENEFITS DIVISION

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

DIRECTOR, SERVICE RETIREMENT

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

DIRECTOR, MEMBER ACCOUNT SERVICES

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

DIVISION CHIEF, TALENT MANAGEMENT DIVISION

The California State Teacher's Retirement System's proposal to allocate the above position to the CEA category was approved effective March 5, 2007.

DEPUTY DIRECTOR, OPERATIONS DIVISION

The Department of Child Support Services' proposal to allocate the above position to the CEA category was approved effective February 23, 2007.

CHIEF, THIRD PARTY LIABILITY AND RECOVERY DIVISION

The Department of Health Service's proposal to allocate the above position to the CEA category was approved effective February 23, 2007.

SECURE TREATMENT PROGRAM CLINICAL DIRECTOR

The Department of Developmental Service's proposal to allocate the above position to the CEA category was approved effective March 7, 2007.

29. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

30. WRITTEN STAFF REPORT FOR BOARD INFORMATION

31. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

32. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 22–24)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

19. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **CASE NO. 05-0053A**

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

(2) **CASE NO. 05-2211A**

Appeal from dismissal

Classification: Senior Tax Compliance Representative

Department: Employment Development Department

Proposed decision rejected September 20, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument continued

Pending oral argument March 6-7, 2007, Sacramento.

Oral argument rescheduled to March 2, 2007, Sacramento.

Oral argument heard March 2, 2007.

Case ready for decision by FULL Board.

(3) **CASE NO. 06-1433**

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

April 3, 2007

(4) CASE NO. 05-1567A

Appeal from dismissal

Classification: Housing Finance Specialist (General)

Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Transcript prepared.

Pending oral argument October 31-November 1, 2006, San Diego.

Oral argument continued.

Pending oral argument December 5, 2006, San Francisco.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

(5) CASE NO. 06-1310

Appeal from 14 working days suspension

Classification: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

(6) PSC NO. 06-02

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

Department: Department of Corrections and Rehabilitation

Employee Organization: AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

(1) CASE NO. 06-0188A

Appeal from dismissal

Classification: Physician & Surgeon, CF

Department: Department of Corrections and Rehabilitation

(2) CASE NO. 05-0927BA

Appeal for back salary determination

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

- (3) **CASE NO. 05-4416PA**
Petition for rehearing granted November 14, 2006
Classification: Medical Technical Assistant (Correctional Facility)
Department: Department of Corrections and Rehabilitation

C. CHIEF COUNSEL RESOLUTIONS

- (1) **CASE NO. 05-3741**
Appeal from dismissal
Classification: Medical Technical Assistant, CF
Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause against Department of
Corrections and Rehabilitation

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 06-3014**
Appeal from official reprimand
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 06-0952**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

- (3) **CASE NO. 06-1531**
Appeal from one step reduction in salary for six consecutive qualifying pay periods
Classification: Psychiatric Technician
Department: Department of Developmental Services
- (4) **CASE NO. 06-4253**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation
- (5) **CASE NO. 06-2738**
Appeals from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 06-1574**
CASE NO. 06-1576
CASE NO. 06-1642
Appeals from dismissal
Classification: Correctional Officers
Department: Department of Corrections and Rehabilitation
- (7) **CASE NOS. 05-0048 & 05-1780**
Appeal from 3 days suspension and whistleblower retaliation complaint
Classification: General Auditor III
Department: State Controller's Office
- (8) **CASE NO. 06-4349**
Appeal from letter of reprimand
Classification: Special Investigator
Department: Department of Developmental Services

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 03-3412P**
Appeal from rejection during probation
Classification: Correctional Counselor II
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 06-3185P**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
- (3) **CASE NO. 04-1789P**
Appeal from 60 work days' suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-0745P**
Appeal from dismissal
Classification: Assistant Caltrans Administrator
Department: Department of Transportation
- (5) **CASE NO. 06-0011P**
Appeal from five percent reduction in salary for three months
Classification: Maintenance Supervisor
Department: Department of Transportation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

Oral argument continued.

(2) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument continued.

Pending oral argument May 1-2, 2007, Los Angeles.

(3) CASE NO. 06-0235A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument May 1-2, 2007, Los Angeles.

(4) CASE NO. 06-3023A

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Pending transcript.

(5) CASE NO. 05-2888PA

Appeal from dismissal

Classification: Staff Services Analyst (General)

Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Transcript prepared.

Pending oral argument March 2 2007, Sacramento.

Oral argument continued.

Pending oral argument June 5-6, 2007, Sacramento.

(6) CASE NO. 05-1285A

Appeal from dismissal

Classification: Public Safety Dispatcher II

Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument June 5-6, 2007, Sacramento.

(7) CASE NO. 05-0929PA

Appeal from rejection during probation

Classification: Health Program Manager I

Department: Department of Health Services

Petition for Rehearing granted February 20, 2007.

Pending oral argument May 1-2, 2007, Los Angeles.

(8) CASE NO. 06-0188A

Appeal from dismissal

Classification: Physician and Surgeon, CF

Department: Department of Corrections and Rehabilitation

Proposed decision rejected February 20, 2007.

Transcript prepared.

Pending oral argument April 3-4, 2007, Sacramento.

(9) CASE NO. 05-1067A

Appeal from dismissal

Classification: Investigator

Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument May 1-2, 2007, Los Angeles.

(10) CASE NO. 04-2919ERPA

Appeal of discrimination and retaliation

Classification: Physician and Surgeon

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument continued.

Pending oral argument May 1-2, 2007, Los Angeles.

(11) CASE NO. 05-0927BA

Appeal for back salary determination

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.

Transcript prepared.

Pending oral argument April 3-4, 2007, Sacramento.

(12) CASE NO. 05-4416PA

Appeal from 10 percent reduction in salary for 13 pay periods

Classification: Medical Technical Assistant (Correctional Facility)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted November 14, 2006.

Transcript prepared.

Pending oral argument April 3-4, 2007, Sacramento.

21. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 05-1975**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; two convictions for Driving Under the Influence in the past 10 years.
- (2) **CASE NO. 05-1029**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; whether appellant's name was properly withheld for DUI convictions.
- (3) **CASE NO. 05-1169**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Whether appellant's name was properly withheld for one DUI conviction.
- (4) **CASE NO. 05-1681**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; two Driving Under the Influence convictions within ten years.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-2606N**
Classification: Corrections Officer
Department: Department of Corrections and Rehabilitation
- **CASE NO. 06-3077N**
Classification: Corrections Officer
Department: Department of Corrections and Rehabilitation
- **CASE NO. 06-2297N**
Classification: Corrections Officer
Department: Department of Corrections and Rehabilitation

- **CASE NO. 06-4505N**
Classification: Investigator I, ABC
Department: Alcoholic Beverage Control

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. CASE NO. 05-0947A

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

7. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

8. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

9. CASE NO. 05-1975

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

10. CASE NO. 05-1977

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

11. CASE NO. 05-1029

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

12. CASE NO. 05-2290

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

13. CASE NO. 05-1169

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

14. CASE NO. 05-1681

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

15. CASE NO. 05-1170

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

16. PSC NO. 06-02

Appeal of AFSCME, Local 2620, AFL-CIO, from the Executive Officer's June 28, 2006, Approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services. (Oral argument held January 9, 2007.)

17. CASE NO. 05-0053A

Appeal from dismissal. Park Maintenance Assistant. Department of Parks and Recreation. (Oral argument held February 6, 2007.)

18. CASE NO. 05-2211A

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

19. PSC NO. 06-05

Appeal of the California Highway Patrol from the Executive Officer's September 28, 2006 Disapproval of a Contract for Custodial Services between the California Highway Patrol and Moran Janitorial Services. (Oral argument held March 2, 2007.)

20. CASE NO. 05-3741

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal. 04/03/07)

TO: ALL INTERESTED PARTIES

FROM: State Personnel Board - Executive Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. There may be a verbal presentation at the April 3, 2007 Board Meeting on any legislative action that has taken place that will be of interest to the Board.

Please contact the Secretariat at (916) 653-0429 if you should have any questions. Legislative inquiries may also be directed to the Chief Counsel's Office at (916) 653-1403.

A handwritten signature in black ink, appearing to read 'Karen Yu'.

Karen Yu
Secretariat's Office



DATE: March 23, 2007

MEMO TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: PROPOSED GOVERNMENTAL PROGRAM ANALYST CLASSIFICATION

On April 3, 2007 at 1:15 p.m., the State Personnel Board (SPB) will hold an informational hearing regarding the proposed establishment of a new classification titled Governmental Program Analyst. In order to reflect as broad a spectrum of considerations as possible, the proposal is being offered for questions, comments and discussion before being formally presented before the five-member State Personnel Board at the May 8, 2007, SPB Meeting.

Interested parties are encouraged to submit any pertinent comments in writing before the meeting and are also invited to present their views orally at the meeting. Written comments should be addressed to Daisy McKenzie, State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814.

BACKGROUND:

The State Personnel Board staff is proposing to facilitate the recruitment and entry of recent college graduates into state service by developing a new classification specifically targeted for college students and a new internet-based testing process that will be available to anyone who wishes to take the test at any time.

PROPOSAL:

In partnership with the Department of Personnel Administration (DPA), the Union (SEIU), and state departments, SPB has developed a new classification titled "Governmental Program Analyst" that has one minimum qualification pattern: Graduation with a Bachelor's degree from a recognized four-year accredited college (with early entry feature that allows registered Seniors to compete).

This classification will be slightly higher than the current Staff Services Analyst, Range C classification with a provision to hire above the minimum salary step for exceptional candidates. Transfers into this class shall not be permitted.

Karen Coffee, Chief
Merit Employment and
Technical Resources Division

**DRAFT SPECIFICATION: GOVERNMENTAL PROGRAM ANALYST
CALIFORNIA STATE PERSONNEL BOARD**

SPECIFICATION

Schematic Code:
Class Code:
Established: 5/1/07
Revised: ----
Title changed: ----

GOVERNMENTAL PROGRAM ANALYST

DEFINITION

Under supervision, incumbents provide independent professional level analysis, research and technical assistance in one or more staff services areas. Incumbents perform above average responsible, varied, and complex technical analytical staff services assignments such as program evaluation and planning; policy analysis and formulation; systems development; budgeting, planning, management, and personnel analysis. Incumbents gather, compile, organize, analyze and interpret data, make recommendations and disseminate information through oral presentations, reports, memos, graphs and charts and provide consultative services to management or others. This is the full working level analyst class. Incumbents are typically subject-matter generalists who have demonstrated possession of intellectual and analytical abilities, decision making skill, and personal qualifications to succeed in a variety of staff services roles.

TYPICAL TASKS

Incumbents are assigned above average analytical work on a broad range of governmental and managerial problems that may be interdisciplinary in nature. Incumbents may be assigned to work independently as departmental representatives on complex and controversial intergovernmental projects. Incumbents conduct and/or review analytical studies and surveys; formulate policy recommendations and procedures, program alternatives and make recommendations on a broad spectrum of administrative and program related problems and issues. Incumbents review and analyze proposed legislation and advise management on the impact or potential impact; act as team leaders or coordinate the efforts of representatives of various governmental agencies on larger projects; represent the State or a given department as assigned; and perform other related duties.

MINIMUM QUALIFICATIONS

Education: Graduation with a Bachelor's degree from a recognized four-year accredited college or university. (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation with a Bachelor's degree or its equivalent before they can be considered eligible for appointment.)

REQUIRED COMPETENCIES

Analysis and Problem Solving: ability to break down problems into components and recognize interrelationships; generates a range of alternative solutions and courses of action with benefits, costs, and risks associated with each.

Reading Comprehension: ability to understand and interpret written material, readily locate relevant details, facts and specifications needed and apply that information to specific situations.

Math Skill: shows the mathematical and quantitative reasoning and insight needed to perform essential job functions; accurately construct/interpret graphical presentations of quantitative information such as charts, tables, and graphs.

Attention to Detail: show a high level of care and thoroughness in handling the details of the job; check work to ensure completeness and accuracy; maintain focus and quality under distracting working conditions with high workload.

Action and Results Focus: stays clear and focused on what is expected or needs to be accomplished; gets things done well and efficiently.

Self Management: prioritizes tasks with respect to importance and deadlines; adjusts priorities as situations change.

Initiative and Innovativeness: readily spots/identifies current and potential problems and opportunities for improvement; approaches problems with novel, resourceful, or imaginative solutions.

Written Communication: uses correct vocabulary, grammar, sentence structure, spelling and punctuation in order to present information clearly and in an organized manner; varies content, tone and style to suit the purpose and intended audience.

Oral Communication: uses correct vocabulary and grammar to present information/ideas clearly and in an organized manner, according to audience and purpose.

Negotiating: works from a strong knowledge base to establish rapport and trust with other parties in order to reach agreeable deals or compromises.

Relationship Building: develops and maintains cooperative working relationships and continuously works to improve relationships, contacts, and networks.

Customer Focus: shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers at the individual, group, or organizational level.

Planning and Organizing: determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal; anticipates problems and mitigates risks.

Valuing Diversity: understands the benefit of having differing backgrounds and points of view in the workplace, leverages those differences to contribute to effective decision making.

SPECIAL PERSONAL CHARACTERISTICS

Willingness to work independently doing routine or detailed work in order to learn the practical application of administrative principles; and demonstrated capacity for development as evidenced by work history, academic attainment, participation in school or other activities, or by well-defined occupational or vocational interests; willingness and ability to accept increasing responsibility.

TRANSFERS INTO THIS CLASSIFICATION WILL NOT BE PERMITTED.

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE APRIL 3, 2007

(Cal. 04/03/07)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

NONE PRESENTED

500

(Cal. 04/03/07)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

NONE PRESENTED